REMARKS

Prior to entry of this Amendment, the application included claims 1-17.
Claims 1-17 were rejected in the final Office Action mailed May 11, 2009. Claims 1-4, 6-13,
and 15 have been amended. Claims 5 and 14-16 have been canceled.

Interview

Counsel wishes to thank the Examiner for the interview of July 28, 2009. In that
interview, the amendments to the claims were discussed along with an explanation of how those
limitations are not found in the Bozeman reference.

Rejections Under 35 U.S.C. § 102(e):

Claims 1-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by
Bozeman (U.S. 6,754,640 B2) ("Bozeman").

The Federal Circuit recently reaffirmed that "unless a reference discloses within
the four corners of the document not only all of the limitations claimed but also all of the
limitations arranged or combined in the same way as recited in the claim, it cannot be said
to...anticipate under 35 U.S.C. § 102." *Net MoneyIn v. Verisign* (Fed. Cir. Oct. 20, 2008).
Amended claim 1 recites:

> receiving data elements from a plurality of check images corresponding
> to a plurality of checks, wherein:
>
> the plurality of check images include account-owner data elements
> associated with accounts maintained at non-participant institutions,
>
> each non-participant data element also corresponds to a data element
> field in the database, and
>
> the non-participant institutions are entities that are not obligated to
> provide account-owner data to the account-owner verification database
> -and that are unable to access the account-owner verification database
>
> ...
>
> receiving a response from the account-owner verification database for
> each of the entered data elements, wherein the response is positive for a

given data element if the account-owner data stored in the data element
field corresponding to the entered account number matches the entered
data element, the response is negative for a given data element if the
account-owner data stored in the data element field corresponding to the
entered account number does not match the entered data element, or the
response supplies information indicating that information is unavailable
for a given data element if there is no account-owner data stored in the
data element field corresponding to the entered account number ...

Amended claim 7 recites: "the non-participant data elements are collected from *a plurality of
check images corresponding to a plurality of checks presented to the one or more participant
institutions....*" Amendments italicized. Bozeman fails to teach or suggest such limitations
arranged or combined in the same way as recited in independent claims 1 and 7.

Bozeman is generally directed to a "universal positive pay match, authentication,
authorization, clearing and settlement system to reduce check and card fraud." *Bozeman*,
Abstract. More specifically, "the database 20 of the universal positive pay match, authentication,
authorization, clearing and settlement system 10 can be queried to <u>determine if the owner of the
account has indeed authorized the instrument for the amount written and signature on the
instrument.</u>" *Id.*, at col. 5, ll. 41-45, emphasis added. In other words, the <u>payer</u> tells his bank
that he has prepared and signed a certain check so that when the payee contacts the bank there
will be a record that the payer has indeed endorsed the check. While Bozeman mentions "the
ability to allow or provide imaged, digitized, or electronic conversions of debit checks..." (*Id.*, at
col. 14, ll. 30-34), Bozeman does not use check images to <u>collect</u> non-participant data elements,
as generally recited in claims 1 and 7. Rather, the images of Bozeman are used for "<u>clearing,
matching, verifying and authenticating....</u>" *Id.*, at col. 14, ll. 35, 36, emphasis added.

Further, Bozeman does not teach or suggest: "receiving a response from the
account-owner verification database for each of the entered data elements, wherein the response
is positive for a given data element if the account-owner data stored in the data element field
corresponding to the entered account number matches the entered data element, the response is
negative for a given data element if the account-owner data stored in the data element field
corresponding to the entered account number does not match the entered data element, or the

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response supplies information indicating that information is unavailable for a given data element

if there is no account-owner data stored in the data element field corresponding to the entered

account number" as generally recited in claims 1 and 13. In pertinent part, Bozeman recites:

> When a given commercial retail entity 50 is presented a
> customer's check at the point of sale, the commercial retail
> entity 50 sends the universal positive pay match,
> authentication, authorization, clearing and settlement system
> 10 a signal which is then sent to the check verification
> services provider 90. The check verification services pro-
> vider 90 then accesses the customer's 30 check history and
> gives a positive or negative rating based on whether there are
> any checks that have not been honored. If there are any
> dishonored checks written presented by the customer 30, a
> negative rating will be given. If there are no dishonored
> checks, a positive rating will be given.

Id., at col. 9, ll. 26-37, emphasis added. While Bozeman discusses a positive or negative *rating*

based on whether past checks have or have not been honored, claims 1 and 13 provide one of

three definitive answers: (1) a positive response for a given data element "if the account-owner

data stored in the data element field corresponding to the entered account number matches the

entered data element"; (2) a negative response for a given data element "if the account-owner

data stored in the data element field corresponding to the entered account number does not match

the entered data element"; or (3) an indication that information is unavailable for a given data

element "if there is no account-owner data stored in that data element field corresponding to the

entered account number...," as recited in claim 1. Such responses do not constitute a rating, as

recited in Bozeman. Further, Bozeman only discusses the possibility of a positive or negative

rating. Claims 1, 7 and 13 recite the possibility of a "positive," "negative," or "information is

unavailable" response.

Moreover, the rating of Bozeman is "based on whether there are any checks that

have not been honored." *Id.*, emphasis added. The response of claims 1, 7 and 13 is based on "if

the account-owner data stored in the data element field corresponding to the entered account

number" does or does not match "the entered data element...," as recited in claim 1. Emphasis

added.

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For at least these reasons, each and every limitation of claims 1, 7, and 13 are not taught by Bozeman. Therefore, a *prima facie* case of anticipation has not been established for these claims. Accordingly, Applicant respectfully requests withdrawal of the §102 rejections of claims 1, 7, and 13. Further, claims 2-6, 8-12, and 14-17 depend, either directly or indirectly, from claims 1, 7, and 13. At least by virtue of their dependence on an allowable base claim, these claims are likewise allowable.

CONCLUSION

For at least the foregoing reasons, Applicant believes all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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